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April 4, 2023

Hon. Senator William Smith
Hon. Senator Jeff Waldstreicher
Judicial Proceedings Committee
2 E
Miller Senate Office Building
Annapolis, MD 21401

Re: HB 639 – Restrictions on Use – Solar Collector Systems - Alteration
Hearing: April 4, 2023 Position: Support

Dear Chair Barve & Vice Chair Stein, and Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners associations and cooperatives throughout the State of Maryland.

MD-LAC is writing today to voice our support for HB 639 which will amend existing Section 2-119 of the Real Property Article pertaining to restrictions on solar collector systems. The existing law prohibits a restriction within a Deed, Declaration, Bylaws or Contract that “significantly” increases the costs of the solar collector system or “significantly” decreases the efficiency of the solar collector system. The term “significant” is not defined, resulting in ambiguity with respect to what should be considered significant with respect to cost increase or efficiency reduction.

HB 639 seeks to establish an objective standard for “significant” by providing that an unreasonable restriction shall include any restriction that increases the costs of the solar collector system by more than five percent (5%) of the initially proposed installation or decreases the efficiency by

more than ten percent (10%) of the initially proposed installation. This objective standard for “significant” has been adopted by neighboring jurisdictions like Virginia (and other states), resulting in greater clarity for entities that review solar collector applications and homeowners who submit them. HB 639 will permit community association Boards and/or architectural committees to abide by an objective standard when approving or denying applications.

In addition, HB 639 clarifies a Board of Director’s authority to both prohibit and install solar panels on the Common Elements of a Community Association, subject to other applicable laws. In most cases, the Board of Directors has broad authority to regulate the Common Elements of a Community Association. This clarification seeks only to reiterate the Board’s authority to regulate installations of solar panels on the Common Elements.

Accordingly, the MD-LAC respectfully request that the Committee give HB 639 a favorable report.

We are available to answer any questions which you may have. Please feel free to contact any of the individuals listed: Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at lisa.jones@mdlobbyist.com; Hillary Collins, Esq., member by email at hcollins@reesbroome.com; or Steven Randol, Chair 410-695-2183, or srandol@pineyorchard.com

Sincerely,

Steven Randol

Steven Randol
Chair, CAI MD-LAC

Hillary Collins

Hillary Collins, Esq., CIRMS
Member, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.

Maryland Legislative Action Committee
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